

## Information to be Included in School Reports, Handbooks and Other Notices

This [document provides information](#) on requirements for local school districts to publish annual school reports and other information that must or should be included in school handbooks or other documents. Most statutory references to information or notices that must be provided to parents do not specify the format of the information or notice nor do they specify, for example, that it must be included in the student handbook. The statutory or regulatory source of the requirement and whether a particular format or mailing is directed in the underlying legal requirement are provided. This list likely is underinclusive. It will be reviewed annually and updated/supplemented as needed. Information about omissions from or possible additions to this list is most welcome and should be submitted to Gregory J. Glennon, Vermont Agency of Education General Counsel, at (802) 479-1756 or [greg.glennon@state.vt.us](mailto:greg.glennon@state.vt.us).

Also included for informational purposes only is a summary of education related legislation that passed during the 2014 Legislative Session, and has now become law.

### A. School Reports to Parents and Communities

#### *Annual Student Performance Results*

16 V.S.A. §165(a)(2) requires that each school report to its community, on a format selected by the school board on the following:

1. progress of students generally toward meeting academic standards,
2. progress toward meeting the action plan developed for that year,
3. contextual information about student performance,
4. availability of career counseling and technical center program information,
5. information on district students with respect to student attendance, discipline and drop-out and graduation rates for secondary schools, and
6. data allowing comparison with other schools on cost-effectiveness.

## ***Financial and Other Information***

16 V.S.A. §563(10) and (11) require annual reporting to voters on various financial and other matters. More specifically, subsection (10) requires a report on the conditions and needs of the district school system including the following be provided at least 10 days before the school district's annual meeting:

1. Superintendent's report,
2. Supervisory union treasurer's report,
3. School district treasurer's annual report for the previous school year,
4. Balance of any reserve funds,
5. Summary of the town auditor's report,
6. Summary of the public accountant's report if it is a year in which the district's books were audited by a public accountant, and
7. Notice of the time and place where the full report of the town auditor or public accountant is available for public inspection and copying.

16 V.S.A. §563, Subsection (11) requires the distribution, at least 10 days in advance of the budget vote, of a proposed budget for the upcoming year that includes:

1. all revenues from all sources and expenses, including as separate items any union school or supervisory union assessment,
2. any amount of deficit for the most recently closed fiscal year and how it was or will be remedied,
3. anticipated homestead tax rate and the percentage of household income used to determine the income sensitivity in the district, broken down to include rates attributable to union school and supervisory union assessments,
4. the definition of "education spending," the number of pupils and equalized pupils, and the amount of spending per equalized pupil in the preceding three years, and
5. if a union school district, the amount of the assessment to the member districts and the amount of the assessments per equalized pupil in the preceding three years.

### **B. Information to be Included in the Student Handbook or Otherwise Provided to Parents**

These are listed in order from the requirements that are most clearly set forth in statute to those that might be advisable to include in some form of notice to parents or students. State items are listed first. Federal items are listed second:

## *State Items*

1. *Harassment, Hazing and Bullying*—16 V.S.A. §570(c) requires school boards annually, prior to the commencement of curricular and co-curricular activities, to provide to students and their parents or guardians notice of the harassment, hazing and bullying policies and procedures. The notice to students should be age appropriate and should include examples. The notice must “appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for the school.”
2. *School Comprehensive Plan for Responding to Student Misbehavior*—16 V.S.A. §1161a(a) requires schools to adopt a comprehensive discipline plan. Among the requirements is that the plan must include “procedures for informing parents of the school’s discipline policies, for notifying parents of student misconduct, and for working with parents to improve student behavior.” 16 V.S.A. §1161a(a)(3).
3. *Technical Center Offerings*—16 V.S.A. §1541a(b) provides that high schools are to give technical centers the names and addresses of students and their parents so that they may be contacted and notified of technical center offerings.
4. *Wellness Programs*—16 V.S.A. §216 requires the Secretary of Education to prepare and update a list of school and community programs which have the potential to improve childhood wellness and the list is to be made available to all school districts and community organizations that request it. The implication is that school districts may want to make this list available to parents and students. Here is a link to the list:  
  
[http://education.vermont.gov/documents/wellness\\_funding\\_resources.pdf](http://education.vermont.gov/documents/wellness_funding_resources.pdf)
5. *Periodic Release Time Courses*—16 V.S.A. §1053 requires schools, at the request of a religious group, to publish “periodic release time religious education courses” to be “included in public school catalogs and listings of course offerings.” It is not clear whether such a provision would be constitutional under current First Amendment analysis.
6. *Opting Out of Hearing Tests*—16 V.S.A. §1422 requires schools annually to test the hearing of students in the first, second, third, fifth, seventh, and ninth grades. Parents are permitted to opt their children out of such tests and presumably parents should be given notice of the procedure for opting-out.

7. *School Choice*— Under 16 V.S.A. § 563(28), school boards must annually inform students and their parents or guardians of their options for school choice under applicable laws or policy. This includes the required notice under 16 V.S.A. § 822a.(c) regarding statewide public high school choice: “on or before February 1 each year, the board of a high school district shall define and announce its capacity to accept students under this section.” For further details on capacity guidelines, please see “Attachment A” to this memorandum. Separately, there are several other ways for families to exercise school choice. The following link provides more details about other school choice laws:

[http://education.vermont.gov/documents/EDU-School\\_Choice\\_Other\\_Options.pdf](http://education.vermont.gov/documents/EDU-School_Choice_Other_Options.pdf)

8. *Concussions and other head injuries* —

- Under 16 V.S.A. § 1431 the principal or headmaster of each public and approved independent school shall ensure that statewide concussion and other head injury guidelines are provided annually to each youth athlete and the athlete’s parents or guardians;
- Each youth athlete and a parent or guardian shall annually sign a form acknowledging receipt of the concussion and other head injury guidelines
- There are training requirements for all coaches and referees of a contest on how to recognize the symptoms of a concussion or other head injury.

For further details on the concussion guidelines, please use this link:

[http://education.vermont.gov/documents/EDU-Act\\_58\\_Concussion\\_Guidelines.pdf](http://education.vermont.gov/documents/EDU-Act_58_Concussion_Guidelines.pdf)

9. *Seclusion and Restraint*— State Board Rule 4500 defines the appropriate use of seclusion and restraint. Rule 4500 also sets forth the reporting requirements that flow from any use of seclusion or restraint in school (e.g. – teacher to administrator, administrator to superintendent, and school to parent/guardian of affected student).

Here is a link to a “Q & A” about Rule 4500:

[http://education.vermont.gov/documents/EDU-Questions and Answers on Rule 4500.pdf](http://education.vermont.gov/documents/EDU-Questions%20and%20Answers%20on%20Rule%204500.pdf)

10. *Flexible Pathways* — Act 77 of 2013 expanded the availability of “flexible pathways” for students. Some features include (i) eliminating an age cap for the funding of the “high school completion program,” (ii) expanding opportunities for “dual enrollment;” (iii) beginning in November 2015 the Act 77 also requires the establishment of a personalized learning plan for every student in grades 7-12. While the law does not require that schools inform the education community of these opportunities, it is recommended that administrators do so through outreach by guidance offices and in collaboration with career and technical centers. Here is a link to more information about flexible pathways:

<http://education.vermont.gov/flexible-pathways>

### ***Federal Items***

11. *FERPA Policies* — 34 C.F.R. Part 99 (the federal regulations promulgated pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g *et seq.*) requires an annual notification to parents of their rights under the Act. Such notice must include that parents have the right to:
- a. Inspect and review their children’s records,
  - b. Seek amendment of the record if it is inaccurate or misleading,
  - c. Consent to disclosure of personally identifiable student information except as provided in 34 C.F.R. §99.31, and
  - d. If they believe the Act has been violated, file a complaint with the Family Policy Compliance Office of the United States Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

In addition, the annual notice must include:

- a. The procedure for exercising the right to inspect and review education records,
- b. The procedure for requesting amendment of the records, and

- c. The criteria the school uses for disclosing student records to persons within the school who have legitimate educational interests in reviewing the records.

Finally, if the school does disclose “directory information” (e.g. names and addresses of students, date of birth, field of study, academic or other honors attained, participation on sports teams, etc.), and most schools do in some form or another, the school must notify parents of:

- a. The types of directory information that will be released,
- b. The right to refuse to let the school release particular or all directory information on their own children, and
- c. The period of time within which the parent has to notify the school that he or she does not wish to have the school designate some or all of the information about the parent’s child designated as directory information.

12. *Protection of Pupil Rights Act*—The Protection of Pupil Rights Act, 20 U.S.C. §1232h (hereinafter “PPRA”), requires parental notification in a number of respects:

- a. 20 U.S.C. §1232h(c)(2)(A)(i) requires local education agencies to notify parents annually, at the beginning of the school year and within a reasonable time after any amendment thereof, of the adoption or continued use of PPRA policies. These local policies must include the following:
  - i. The rights of parents to inspect surveys created by a “third party” (meaning not federally funded) before it is administered,
  - ii. Procedures for such inspection of surveys,
  - iii. Arrangements to protect student privacy with respect to surveys on sensitive matters,
  - iv. The right to inspect any instructional materials used as part of the educational curriculum,
  - v. Procedures for inspecting the instructional materials,
  - vi. The administration of any physical examinations or screenings,
  - vii. The collection or disclosure of student information for marketing purposes,
  - viii. The right of a parent to inspect any instrument used in the collection of personal information for marketing purposes before such information is collected or disclosed, and

- ix. Procedures for obtaining access to such instruments in a timely fashion.
  - b. 20 U.S.C. §1232h(c)(2)(A)(ii) requires an annual notice to parents of the right to opt out of certain activities including collection of personal student information for marketing purposes, administration of certain surveys, and non-emergency invasive physical examinations or screenings.
  - c. 20 U.S.C. §1232h(c)(2)(B) provides that schools notify parents, at least annually at the beginning of the school year, of the specific or approximate dates when any of the following will occur: collection of information for marketing purposes, administration of surveys containing sensitive questions, and any non-emergency, invasive physical examinations or screenings.
  - d. 20 U.S.C. §1232h(d) provides that schools must “give parents and students effective notice of their rights under this section [PPRA].”
13. *Military/Postsecondary Recruiters*—20 U.S.C. §7908(a)(2) requires schools to notify parents, presumably each year although the time period is not specified, that they may request that their child’s name, address and telephone listing not be released to military or postsecondary recruiters without prior written parental consent.
14. *Section 504 Grievance Procedures*—34 C.F.R. §§104.7 and 104.8 require schools to notify parents and others that the school does not discriminate on the basis of handicap; the school’s notice shall identify the responsible employee designated to coordinate compliance with Section 504 and of the availability of a grievance procedure to address complaints regarding Section 504 of the Rehabilitation Act.
15. *Civil Rights Act Provisions*—34 C.F.R. §100.6(d) requires “recipients” of federal funding to provide information to “beneficiaries” regarding the nondiscrimination requirements of the Civil Rights Act as applied to the recipient’s operations.
16. *Title IX Grievance Procedures and Dissemination of Policy*—34 C.F.R. §§106.9(b) and 106.9(a)(1) provide that recipients of federal funding publish their grievance procedures with respect to discrimination on the basis of sex and that each recipient “implement specific and continuing steps to notify....students and parents of elementary and secondary school

students....that it does not discriminate on the basis of sex in the educational program or activity which it operates, and that it is required by title IX....not to discriminate in such a manner.” The latter section requires publication of this notice in a variety of ways, including in bulletins, catalogs, or application forms.

17. *Notices to Parents Under the No Child Left Behind Act*—Local education agencies are required to notify parents in a variety of circumstances. Here are a few of the more significant ones:

- a. 20 U.S.C. §6311(h)(2)(A)(i) requires local education agencies receiving Title I assistance to prepare and disseminate to all parents an annual “report card.” At minimum, it must contain the number and percentage of schools identified as needing improvement, for how long they have been so identified, and information on how students achieved on state assessments compared to students in the state as a whole.
- b. 20 U.S.C. §6316(b)(6) requires a local education agency “promptly” to notify parents of children in attendance that its school has been identified as a school in need of improvement with an explanation of what it means and what will happen as a result, as well as notifying parents of the option for public school choice (where available) and supplemental educational services.
- c. 20 U.S.C. §6311(h)(6) requires notice by a school district receiving Title I funds at the beginning of the school year to the parents of each student regarding the qualifications of the school’s teachers. The notice is to include the rights of parents, upon request, to obtain information as to whether the child’s teacher has met state qualifications and licensing criteria, whether the teacher is teaching under a waiver or provisional license, and what the major of the teacher was in his or her baccalaureate degree. If the child receives services from a paraprofessional, the paraprofessional’s qualifications must also be furnished. And, the notice will also contain a statement as to whether the student will be taught by a teacher for four or more consecutive weeks who is not highly qualified as that term is defined under state and federal law. Finally, this notice must also alert parents to their right to obtain information as to the level of achievement of their child in each of the state’s academic assessments.

- d. 20 U.S.C. §6312(g)(1) provides that parents of students who are of limited English proficiency are to be notified not later than 30 days after the beginning of the school year that their child has been identified as in need of services. The statute contemplates a very specific and detailed listing of information to be provided in an understandable manner to the parents of the child.
  - e. 20 U.S.C. §6318(a)(2) requires each local education agency with Title I schools to “develop jointly with, agree on with, and distribute to, parents of participating children a written parental involvement policy.” Again, the required content of the policy are spelled out in great detail in the statute.
18. *Notices Under the Individuals with Disabilities Education Act*—The federal special education law, 20 U.S.C. §§1400, *et seq.*, requires notice to parents in a variety of ways. However, the most prominent requirements are found in 34 C.F.R. §§300.111, 300.503 and 300.504
- a. 34 C.F.R. §300.111 relates to “child find” activities. As interpreted in Vermont regulations, child find includes, among other activities, notifying the public of the availability of special education services for children with disabilities aged 3-21. Similar provisions address child find for students aged birth-3. *See* Rule 2360.3 and Rule 2360.5.2 of the Vermont State Board of Education Manual of Rules and Practices.
  - b. The provisions of §300.503 require written notice to a parent of a student with a disability within a reasonable period of time before the school district proposes to initiate or change the identification (eligibility), evaluation or educational placement of the student or the provision of a free, appropriate, public education to the student, or whenever it refuses to do the same. The content of the notice is, again, very detailed. *See* Rule 2365.1.1 of the Vermont State Board of Education Manual of Rules and Practices.
  - c. The requirements of §300.504 involve the provision of a notice of “procedural safeguards” whenever a child is initially referred for a special education evaluation, whenever an Individual Education Plan meeting is called, whenever a reevaluation is sought, and whenever a due process complaint has been filed.

## C. 2014 Legislative Session

The 2014 Legislative session adjourned on May 10, 2014. Here is a summary of various education bills (with links to the complete text) that were passed by the Legislature and enacted into law. The new Pre-Kindergarten law is the first new law that is summarized. This law (Act 66) significantly expands Pre-K access, statewide:

### **Act 66: [An Act Relating to Providing Access to Publicly Funded Prekindergarten Education](#)**

The new Pre-K law provides access to at least ten hours per week of high-quality, publicly funded prekindergarten education, that is prequalified, for 35 weeks annually to “prekindergarten children” (defined as 3- to 4-year-olds). Prequalified programs include programs operated by public schools, private early education and care programs, and Head Start.

### **Act 174: [H. 884 An act relating to miscellaneous tax changes](#)**

In Section 50 of the miscellaneous tax bill, the Legislature sets Act 68 funding parameters. Section 51 sets the base amount to \$9,285; and Section 52 changes the homestead education income tax minimum rate to 1.94%. Section 53 removes the fast growth provision in the ADM count, and Section 59 changes the index for the high-spending threshold for districts.

### **Act 179: [H.885 An Act Relating to Making Appropriations for the Support of Government](#)**

The purpose of this act is to provide appropriations for the operations of State government during fiscal year 2015; it is also known as the “budget bill.” The budget bill served as a vehicle for some items related to education.

Here is a summary of some education items that were included in the budget bill:

- (i) allowing the state to participate in interstate reciprocity agreements for the purpose of authorizing online postsecondary programs;
- (ii) counting students who are placed in Vermont awaiting adoption to be considered a state-placed student;
- (iii) a three-year special education pilot program using criteria aligned with the Agency and the Schoolwide Integrated Framework for Transformation (SWIFT);

(iv) a requirement for the Agency of Education to implement a Uniform Chart of Accounts for school district financial reporting requirements;

(v) VSAC was allotted grant money to support a college aspiration pilot proposal at three Vermont public high schools, and stipends for “financially needy” students to participate in dual enrollment and pay for things like books and transportation costs;

(vi) authorization for the “Global Commitment Fund” to be used for school health services to increase access to health care to the uninsured;

**Act 186: [S. 293 An act relating to reporting on population-level outcomes and indicators and on program-level performance measures](#)**

Act 186 requires the Executive Branch to report on population-level outcomes and indicators for different areas of State government and on the Performance Measure Pilot Program in order for the General Assembly to consider data-based results in decision-making. For the Agency of Education, this includes outcomes for pre-kindergarten, student health, high school completion and aspirations beyond high school.

**Act 143: [H.497 An Act Relating to the Open Meeting Law](#)**

Act 143 clarifies what a “meeting” means to address the use of electronic communications, including email and teleconferencing, the use of websites for posting notices and meeting minutes, and makes additional changes to existing open meeting law. This will impact the State Board of Education, Vermont Standards Board for Professional Educators, and local school boards, amongst others.

## **ATTACHMENT A**

### **Subject: Guidelines on Schools' Capacity to Receive Students through the Public High School Choice Law, 16 VSA 822a(c)**

#### **I. Introduction**

Vermont's public high school choice law can be found at Title 16, Section 822a. The law requires school boards to make annual capacity determinations on or before February 1, each year. Capacity limits are to be determined in relation to program, staff and grade, school building and grounds, or adverse financial impact. Boards are required to review and redefine limits annually. Capacity shall not be based on the need to provide special education services.

#### **II. Capacity Guidelines**

##### **1. Program Capacity**

Program capacity relates to numbers of students who can be accommodated in specific curricular programs. For these purposes, a program will be on- or off-campus environments or curricular components within a school that are different from the general education program or environment and are available to students based on their needs or interests.

Enrollment of nonresident students in a school may be limited when a program is capable of serving only a certain number of students, and the enrollment of additional students would result in exceeding that number.

Examples of programs in which enrollment capacities may apply include:

- Alternative programs serving students in off-campus settings where staff or space requires enrollment limits;
- Multi-disciplinary courses scheduled in blocks or sections where enrollment must be limited to accommodate changes in scheduling; and
- Guidance or health services, which can serve limited numbers of students.

##### **2. Staff, Class, and Grade Capacity**

A school's staff capacity can be relevant. Here, for example, is an approach taken by one school. Staff capacity limits for accepting students is determined by multiplying the FTE of classroom teachers by an average class size of 21; the result is multiplied by the percentage of the day a FTE teacher teaches (.8). That figure is the capacity

limit on the number of students in the school. Subtract actual enrollment from that number to reach the number of choice students the school can accept. Using a similar approach, it would be feasible to determine capacity by grade.

### **3. School Building and Grounds Capacity**

School building capacity relates to numbers of students who can be accommodated in core areas of school facilities, including buildings and grounds. Building capacity may be limited by the space available in cafeterias, auditoriums, locker rooms or other parts of a school. Capacity may also be limited by the ability of parking lots or athletic fields to absorb increased enrollment. The enrollment of nonresident students could be limited when it would cause the capacity of core areas to be exceeded.

### **4. Other Factors and Special Education Students**

Boards may also consider other factors, but they shall not be based on the need to provide special education services.

### **5. Adverse Financial Impact**

Adverse financial impact relates to unanticipated expenses required by the enrollment of nonresident students. Adverse financial impact may result when:

- Additional staff would be required to teach or supervise sections of classes, study halls or activities added to the schedule in response to increased enrollment;
- Additional facilities, such as portable classrooms or renovations to facilities, would be required to accommodate the enrollment of nonresident students;
- Additional fixtures or equipment would be required to accommodate the enrollment of nonresident students.